# COMMON COUNCIL CAL BRAND MEETING ROOM NOVEMBER 7, 2012

Mayor Kristen Brown called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the City Council Chambers.

### I. Meeting Called to Order

- A. Opening Prayer was given by George Denholm from St. Peter's Lutheran Church.
- B. Pledge of Allegiance was led by Mayor Brown.
- C. Roll Call was taken. Dascal Bunch, Ryan Brand, Frank Jerome, Frank Miller, Tim Shuffett, Aaron Hankins and James Lienhoop were present.
- D. Mayor Brown presented a special proclamation to the Columbus North Boys Soccer Team for winning the State Championship.
- E. Frank Jerome moved to accept the minutes from the October 16, 2012 City Council meeting. Frank Miller seconded the motion. Motion passed with a unanimous vote of seven (7) to zero (0).

## II. Unfinished Business Requiring Council Action

A. First Reading of an Ordinance entitled "ORDINANCE NO. AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO ADOPT CHAPTER 8.37 OF THE COLUMBUS CITY CODE, SMOKING REGULATIONS." Kelly Benjamin, City Attorney, indicated this matter had been discussed over the last several months and asked the Council for their thoughts on how they would like to proceed. Councilman Frank Jerome explained Council members have spoken with many individuals and listened to both sides of the issue. He stated the Council is torn between health concerns and private right concerns. Frank suggested a compromise to allow seven (7) individual bar owners to smoke in their establishments; however, if the bars are sold or moved to a new location they would then be required to follow the non-smoking rules. Any new bars would follow the nonsmoking regulations. The floor was opened for public comment. Stephanie Truly, Tobacco Awareness Action Team member with Healthy Communities, provided the Council with evidence based research, community testimony and a list of other communities that are considering a comprehensive smoking ban. She stated this is about worker protection and asked the Council to consider a law as strong as possible to include all bars and private clubs. Dr. David Wilson, Pulmonary Critical Care Provider, believes the Council has already recognized that secondhand smoke is a danger and a health issue. He stated smokers are great people, but they need to recognize the rights and protections of workers everywhere. Dr. Wilson urged the Council to act on this now. Frank Jerome questioned the injunction in Indianapolis. Kelly Benjamin, City Attorney, stated an injunction is pending and a decision is expected by the end of the year. Frank Jerome mentioned delaying the Council's decision until the Indianapolis injunction is settled. Amy Gilliam, owner of Cozy

Lounge, likes the idea of a compromise, but would like to see the compromised smoking plan allowing for transfer with the owner if the establishment is moved to a new location. She provided a paper of 'employee understanding' that she had all of her employees sign. The form stated they understand the risks they are taking by working in a bar and that they are not forced to work there. The employees indicated a smoking ban would hurt their personal income. Lindsey Grace, American Lung Associate, urged the Council not to consider a compromised ordinance, as this would not be a strong law. She briefly discussed some judicial issues. She stated Johnson County passed a smoke free air law which goes into effect on January 1, 2013. Discussion followed. Eric Riddle, Home Ave., Certified Prevention Professional at Foundation for Youth, indicated he spoke with a bar worker and asked if this employee would support a comprehensive smoke free air ordinance. The employee was in favor; however, stated the owner of bar (employer) did not support the ordinance, so the worker did not feel comfortable sharing their opinion in public. Sherry Stark, Washington St., asked the question, "What will you wish you had done 20 years from now?", which she asked the Council to consider. She asked the Council to take decisive action. Debra Richard, Denny St., Tobacco Sensation Counselor, indicated employees exposed to second hand smoke will not have a clue as to the damage until much later. Young Marine Pattingill has been in the Young Marine Program for seven years. He stated the program teaches of harmful effects of smoking and drug usage. He wanted the Young Marines in the audience to see what the community is trying to do to help in this effort. A Young Marine Recruit spoke of encouraging people to stop smoking. Mark Wilcox, owner of Scores Sports Bar, does not smoke, but understands the risks of being around smokers. He stated there are many other jobs in the service industry if his employees wish to be in a smoke free environment. He feels the smoking ban could be a hindrance for his business to succeed. Julie Abedian, President of Columbus Regional Hospital Foundation, spoke about Volunteers in Medicine Health Clinic which is a free clinic to the working community that does not have access to health insurance. Even with many volunteers the annual cost to operate VIM is approximately \$400,000. Julie indicated the hospital foundation conducted a study of the patient population at VIM and determined the two (2) top places of employment were workers coming from restaurants and hospitality areas. She indicated there is a cost to the community through the health clinic and the hospital because they will not turn anyone away. David Jones, 27th Street, asked the opinions of all Council members. Ryan Brand stated a compromise is a step in the right direction and would build momentum. Tim Shuffett likes the ordinance that is before the Council. Jim Lienhoop supports a comprehensive smoking ban. He stated he is willing to consider any compromises brought forth by fellow Councilmen. Dascal Bunch likes the ordinance in front of the group and does not agree with the compromise. Jennifer Knulf, Meadowlark Lane, stated we don't know how this could impact businesses; however, we all know what second hand smoke does to personal health. Possible disability, years off lives, earlier death and larger health care expenses. Amy Phillips, Wellness Coordinator at SIHO, feels this ordinance is a way to help decrease our health care spending. Employee wellness is important. Amy stated employees and employers trust their community and they trust the leaders they have chosen to lead their community. Mark Ray, owner of Ziggies Bar, thanked the Council for considering his views. He feels a smoke free ban would hurt his business. Another Young Marine indicated his grandfather smokes. He stated in restaurants where smoking is not allowed it's easier for his grandfather to refrain from smoking; however, if the restaurant allows smoking it is easier for him to keep smoking. He feels the Council has the power to stop people from being exposed to secondhand smoke. Stephanie Truly read a resolution that was drafted by the Tobacco Awareness Action Team and signed by community partners. Mayor

Brown closed the public discussion. Frank Jerome made a motion to table the ordinance that is currently before the council and asked that Kelly Benjamin, City Attorney, draw up the language for the concepts that have been discussed, including names, addresses and owners of the seven (7) bars. Ryan Brand seconded the motion. Mayor Brown questioned if there would be two ordinances for consideration on November 20. Frank Jerome suggested just an amendment of the original ordinance. Jim Lienhoop suggested that this ordinance be tabled and brought back in an amended form at the next Council meeting. Kelly clarified that there will be two versions at the next meeting, the original version and an amendment. Jim stated this ordinance would come back, along with an amendment to this ordinance. Roll call was taken:

Dascal Bunch	Nay
Ryan Brand	Aye
Frank Jerome	Aye
Frank Miller	Aye
Tim Shuffett	Nay
Aaron Hankins	Aye
Jim Lienhoop	Nay

Motion passed by a vote of four (4) ayes and three (3) nays.

#### III. New Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2012, RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUNCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1-7." (KAMESK Enterprises, LLC.) Mary Ferdon, Community Development Director, indicated Jason Guthrie, Attorney with Thomasson, Thomasson, Long and Guthrie, representatives of Kamesk Enterprises LLC requested this tax abatement be withdrawn. Mary stated the company is starting the improvements as soon as they can and will not be able to come back to ask for the abatement once the project has started.
- B. Reading of a Resolution entitled "RESOLUTION NO. 32, 2012, RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS TO AUTHORIZE THE CLERK-TREASURER TO MAKE A TRANSFER OF APPROPRIATIONS FOR THE AVIATION BUDGET PURSUANT TO I.C.6-1.1-18-6." Jeff Logston, Director of Finance and Operations, indicated this is the last step of the process regarding the funding of two Aviation Directors for remainder of 2012. The funds would be moved from category 300's other services and charges and placing the amount in the 100's personal services. Jeff explained this is not spending outside of the budget, but just moving money to cover the expense. Discussion followed. Jeff stated the transfer was approved by the Aviation Board Commissioners. Frank Miller moved to pass this Resolution. Frank Jerome seconded the motion. Motion passed with a unanimous vote of seven (7) to zero (0).
- C. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.04 OF THE COLUMBUS CITY CODE, COUNCILMANIC DISTRICTS." Jim Lienhoop presented this Ordinance. He stated Indiana State law requires council members to review council districts to determine whether or not the population is proportionate. Jim explained the population of each district is determined, the high and low numbers are established, and difference computed. The difference is supposed to be no more than ten percent (10%) of the average. Jim stated the average is 8814. The difference between the

high and the low is 721. Then 721 is divided by 8814 to come up with 8.2%, which is within the target range. Parts of the redistricting requirements are that the districts need to be contiguous and not to cross a precinct. Council will send the proposed redistricting map to Tami Hines, Bartholomew County Clerk of the Courts, to seek her input. Discussion followed. Jim indicated if the ordinance is approved it will become effective January 1, 2013. Tim Shuffett made a motion to pass the first reading and place in proper channels. Frank Jerome seconded the motion. Aaron Hankins asked to make an amendment to the section 2.04.020, on the second page where it talks about 'each voter of the City may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides'. He would like to amend that to each voter of the City may vote for one (1) candidate at-large. Jeff Logston explained that I.C. 36-4-6-4(i) states 'each voter of the City may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides'. According to statute this section cannot be amended. Motion approved with a unanimous vote of seven (7) to zero (0).

D. Reading of a Resolution entitled "RESOLUTION NO. 33, 2012, RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AUTHORIZING THE CLERK TREASURER TO MAKE AN INTER-FUND LOAN." Luann Welmer, Clerk Treasurer, indicated the Community Development funds were running extremely low due to Community Development Block Grant monies being expended prior to reimbursement from the grant program. The transfer requested was \$75,000.00 from General Fund. Jeff Logston commented that the inter-fund loan is required to be paid back prior to the end of the 2012 budget year. Frank Jerome made a motion to approve the Resolution. Ryan Brand seconded the motion. Motion passed by a vote of six (6) to one (1). Aaron Hankins voted nay.

### **IV.** Other Business

A. Standing Committee and Liaison Reports - None

#### B. Discussion Items:

Accounts Receivable – Trash Fees – Mayor Brown stated this is unpaid trash fees by households who are not water customers. She indicated most fees are small amounts and will be processed through a collection agency.

Appropriation from the Riverboat Funds - Jeff Logston provided an updated Capital Project Plan. Jeff indicated tornado sirens, a paint truck, police car radios, and a fill station for the Fire Department is needed. Jeff will request an additional appropriation at the next Council meeting.

Holiday City Council Agenda Schedule – Jeff Logston said he would send out an e-mail regarding alternative dates in an effort to reschedule the December 18th Council meeting. He stated local ordinance states the first meeting of the year is required to be held on the first Monday of the year, which is January 7, 2013 and the next proposed Council date would be January 22, 2013.

Salary ordinance amendment was discussed for the Fire Department overtime budget, scheduled and unscheduled for 2012. Jeff will bring this before the Council on November 20th. The Commons will be requesting an additional appropriation of \$81,000 for the 2012 budget year.

Time did not allow for discussion of the Ethics Ordinance prepared by Kelly Benjamin.

D.	Dascal Bunch moved to adjourn the meeting. Aaron Hankins seconded the motion. Motion to adjourn passed by a unanimous vote of seven (7) to zero (0). Meeting adjourned at 8:51 P.M.
Attest:	Presiding Officer
Clerk T	reasurer of City of Columbus

C. Next regular meeting is scheduled for Tuesday, **November 20**, **2012 at 6:00 o'clock P.M. in City Hall.**